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Provisional summary record of the 35th meeting
Held at Headquarters, New York, on Thursday, 21 July 2005, at 3 p.m.

President: Mr. Nesho (Vice-President) ..... (Albania)

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In the absence of Mr. Akram (Pakistan), Mr. Nesho (Albania), Vice-President, took the Chair.

The meeting was called to order at 3.20 p.m.

Social and human rights questions (E/2005/74, E/2005/CRP.3 and E/2005/Misc.1)

(b) Social development (E/2005/26 and A/60/61-E/2005/7)

(c) Crime prevention and criminal justice (E/2005/30, E/2005/3 and E/2005/3/Add.1)

(d) Narcotic drugs (E/2005/28 and E/INCB/2004/1)

(e) United Nations High Commissioner for Refugees (E/2005/46)

Non-governmental organizations (E/2005/32 and E/2005/32/Corr.1 (Parts I and II))

1. **Mr. Morris** (Office of the United Nations High Commissioner for Refugees (UNHCR)) introduced two oral reports on various aspects of the Office's activities from January 2004 up to mid-year 2005. The first was an oral update on the coordination aspects of the work of UNHCR pursuant to General Assembly resolution 58/153. The Secretary-General had called for greater coherence and integration within the Organization, which had opened up opportunities to work more closely with other actors within the United Nations. Partnerships were the only means of helping countries torn by conflict to create conditions for sustainable return. On the humanitarian front, UNHCR was working closely with the Office for the Coordination of Humanitarian Affairs in a number of areas. Most recently, for example, UNHCR had become engaged in an inter-agency process aimed at improving assistance and protection to internally displaced persons and ensuring a more comprehensive and reliable response to their needs.

2. Coordination within the humanitarian community was linked to cooperation with the World Food Programme. UNHCR frequently faced intolerable situations where it was unable to get an acceptable level of food and water to refugees; it was therefore working on joint solutions in order to be able to provide life-sustaining basic assistance to persons fleeing conflict or persecution. The High Commissioner was also exploring ways to build on and strengthen ties with the United Nations Children's Fund (UNICEF) and the High Commissioner for Human Rights.

3. UNHCR continued to strengthen its cooperation with the Department of Peacekeeping Operations especially in the area of disarmament, demobilization and reintegration (DDR). In that regard, it had been working with United Nations peacekeeping missions in Liberia and the Democratic Republic of the Congo, supported the establishment of a peacebuilding commission and hoped to contribute to the peacebuilding support office to be created within the United Nations.

4. In terms of longer-term recovery strategies, the Office's membership in the United Nations Development Group (UNDG) was beginning to show concrete results. UNHCR was now actively participating in the joint UNDG/World Bank needs assessments for countries emerging from conflict and in transition from relief to development. It had become the tenth co-sponsor of the Joint United Nations Programme on HIV/AIDS (UNAIDS) in 2004, and hoped to share the expertise it had developed in addressing the pandemic in conflict-affected areas.

5. Turning to the second report on activities in Africa, he noted that some 4.5 million people, including approximately 2.8 million refugees, were of concern to UNHCR. Political and security tensions had continued to prevail in a number of regions on the African continent, producing further refugee outflows mainly in Central and West Africa, the Great Lakes region and even in the Sudan, despite the signing of the Comprehensive Peace Agreement. UNHCR remained vigilant about the physical security of refugees and had, for example, expressed its deep concern to the Governments that had recently forced more than 5,000 Rwandan refugees to return home, contrary to the principle of non-refoulement enshrined in the 1951 Convention relating to the Status of Refugees.

6. Voluntary repatriation continued to be a key objective of the Office's operations in Africa. Despite continued fluid political and security situations in some parts of the continent, considerable progress had been made in repatriation operations and with regard to sustainable solutions for returnees. Referring to successful repatriation operations in Burundi, Sierra Leone and Liberia, he expressed the hope that targeted

organized repatriation of Sudanese refugees to southern Sudan would start later in 2005. The challenge in all repatriation operations was to ensure the sustainability of returns by addressing the reintegration needs of returnees and internally displaced persons, and the post-conflict reconstruction priorities of the communities in the areas of return. That was critical to creating the conditions for lasting peace in post-conflict societies.

7. Referring to internal displacement, he said that more people were internally displaced on the African continent than in the rest of the world combined. UNHCR, with the support of the international community and other United Nations agencies, had mounted a large-scale humanitarian operation to provide protection and assistance to internally displaced persons fleeing civil conflict in the Sudan. In the Democratic Republic of the Congo, about 1 million internally displaced persons had spontaneously returned home, but resumed fighting in some provinces had resulted in the fresh displacement of tens of thousands of others. In conclusion, he noted that UNHCR, in close collaboration with States and its partner humanitarian and development agencies, would continue to strive to offer protection, durable solutions and improved standards of assistance to refugees and displaced persons in Africa and in all other areas of its activities across the globe.

8. **Mr. Vetere** (Division for Treaty Affairs, United Nations Office on Drugs and Crime) introduced the report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/2005/3 and E/2005/3/Add.1) and the report of the fourteenth session of the Commission on Crime Prevention and Criminal Justice (E/2005/30). The first report and its addendum covering the period 1999 to 2003 were based on information provided by 72 countries and relevant intergovernmental and non-governmental organizations, as well as current criminological data. Notwithstanding the 15 per cent increase in the total number of States participating in the survey, a large majority of the replies had been from countries that were abolitionist or against the death penalty for ordinary crimes only. Moreover, many retentionist States or those in favour of the death penalty had not provided accurate or comprehensive statistics on the number of death sentences imposed, appeals allowed, or executions carried out, with relevant breakdowns by age, gender and type of offence.

9. He dwelled at some length on the responses of Oman and Qatar. With respect to the former, he noted, inter alia, that no changes had occurred in the status of the death penalty during the reporting period, although no capital sentences had been imposed nor executions carried out since 1998. Qatar had reported, among other things, that capital punishment had been abolished for juveniles, the elderly, women and the mentally disabled, although the number of capital offences had been extended to include the import/export of drugs and terrorist crimes.

10. Turning to the second report, he said that there had been some progress in restricting the scope of capital punishment in several countries. Discussion on the prospect of doing so in others was ongoing, most notably in China. There had also been progress in abolishing the mandatory imposition of the death sentence in several countries and in restricting further the imposition of the death penalty on those under the age of 18, the elderly, mentally retarded persons, the mentally ill and women. Of particular concern in a number of countries were the conditions under which persons were kept in confinement while under sentence of death. There was a need to continue monitoring the implementation of safeguards.

11. The survey showed a continuing trend towards abolition and further restriction of the use of capital punishment around the world. Indeed, during the survey period, 10 countries had abolished capital punishment and three more had done so in 2004. Seventeen States had not executed any offenders during at least 10 years. According to available figures, the rates of executions had also fallen over the period under review in most countries that provided for capital punishment in their legislation. However, three countries that were formerly de facto abolitionist had resumed executions, but at a significantly lower level than before.

12. Twenty countries had ratified one or other of the international instruments that barred the reintroduction of the death penalty. In 2002, a fourth international instrument had been adopted: Protocol No. 13 to the European Convention on Human Rights concerning the total abolition of the death penalty in all circumstances, including for crimes committed in times of war and imminent threat of war.

13. **Mr. Pirogov** (Russian Federation) expressed support for the role of the United Nations in combating new challenges and threats in transnational organized crime. Among other things, he welcomed the results of the 2005 sessions of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, as well as the results of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice. In the twenty-first century, transnational organized crime had become a major threat to international security and to the socio-economic development of all States. It could only be countered through close international cooperation. The Convention against Transnational Organized Crime and its protocols represented an adequate unified response to that threat. The Russian Federation, which gave top priority to combating crime, had ratified the Convention and its Protocol on Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons. Their provisions were now in force in the country. Changes had been introduced into Russian legislation to criminalize trafficking in human beings and the use of slave labour, and additional amendments were being prepared that would allow the Government to accede to requests relating to legal assistance in criminal matters, without reference to the need to preserve bank secrecy.

14. Furthermore, the United Nations Convention against Corruption was in the final phase of ratification; upon ratification, amendments would be introduced into national legislation. Referring to the conclusion of the work of the Ad Hoc Committee established by General Assembly resolution 51/210, he said that the rapid adoption and entry into force of an international convention for the suppression of acts of nuclear terrorism was vital to ensuring international peace and security.

15. The illegal trafficking in narcotic drugs threatened the future of many countries, since its victims were mostly children and youths. In addition, profits from that trade financed international terrorist groups and sparked a spiral of crime and violence in drug-producing countries, transit countries and countries where drugs were consumed. In that regard, he agreed with the conclusion of the United Nations experts that the narcotics problem in Afghanistan could wipe out the political and military successes achieved in that country in recent years.

16. His delegation was also concerned by the threat of synthetic drugs, especially in the Baltic States, which appeared to be the main source of such drugs coming into the Russian Federation. His country, which played a key role in checking the expansion of drugs from Afghanistan, was an active participant in the Paris process and envisaged holding a round table in 2005, which could considerably boost cooperation between transit countries and countries where drugs were consumed and provide a major impetus in identifying and neutralizing criminal groups involved in the sale and transfer of Afghan drugs and their precursors. Lastly, while his delegation was in favour of strengthening the role and authority of the Commission on Narcotic Drugs, it was concerned at the reduction in the duration of the Commission's sessions, since that created a situation where important issues of combating new threats and challenges were dealt with hastily, making it subsequently difficult to implement decisions in that regard.

17. **Mr. Ndimeni** (South Africa) said that the forty-third session of the Commission for Social Development, chaired by South Africa, had coincided with the tenth anniversary of the Copenhagen Summit and had afforded an opportunity to discuss achievements with respect to poverty eradication and the promotion of full employment and social integration, as well as collective concerns currently facing the world within and across borders. His delegation would like to see a strengthened Commission that continued to utilize the expertise of ministers responsible for social development, social development experts, academics and civil society. The Commission had a unique role in harmonizing the implementation of social development goals at the national and regional levels with the programme of work of the Commission in New York. In that regard, his delegation had circulated a proposal for the methods of work during the forty-third session, which had been adopted by consensus on the understanding that further deliberations would be conducted during the forty-fourth session. Noting that issues such as youth, women, family and disability were vital, he urged the United Nations system and Member States to continue to give priority to social development.

Introduction of draft decision E/2005/L.17

18. **Mr. Hyassat** (Jordan) introduced draft decision E/2005/L.17, entitled "Enlargement of the Executive

Committee of the Programme of the United Nations High Commissioner for Refugees". The text largely adhered to the format of previous Council decisions recommending enlarged membership.

Declaration to the General Assembly

19. **The President** said that chapter I, section A, of the report of the Commission for Social Development (E/2005/26) contained a declaration on the tenth anniversary of the World Summit for Social Development. He took it that the Council wished to transmit the declaration to the General Assembly at its sixtieth session, including to the high-level event of the Assembly on the review of the Millennium Declaration.

20. *It was so decided.*

Adoption of draft resolutions

21. **The President** noted that chapter 1, section B, of the same report contained three draft resolutions for adoption by the Council.

22. *Draft resolution I, on further promotion of equalization of opportunities for persons with disabilities, was adopted.*

23. *Draft resolution II, on a comprehensive international convention to protect the rights of persons with disabilities, was adopted.*

24. *Draft resolution III, on the organization and methods of work of the Commission, was adopted.*

Adoption of draft decision

25. **The President** pointed out that in chapter 1, section C, of the same report, there was a draft decision entitled "Report of the Commission for Social Development on its forty-third session and provisional agenda and documentation for the forty-fourth session of the Commission".

26. *The draft decision was adopted.*

Decision 43/101

27. **The President** pointed out that chapter 1, section D, of the same report contained decision 43/101, entitled "Nomination of members of the Board of the United Nations Research Institution for Social Development". He took it that the Council wished to confirm the nomination of the six candidates listed in that decision.

28. *It was so decided.*

Non-governmental organizations

29. **The President** drew attention to the report of the Committee on Non-Governmental Organizations on its 2005 session (E/2005/32 (Parts I and II)). In chapter 1, section A, of document E/2005/32 (Part II), there were five draft decisions for adoption by the Council.

30. *Draft decision I, entitled "Applications for consultative status and requests for reclassification received from non-governmental organizations", was adopted.*

31. *Draft decision II, entitled "Suspension of consultative status", was adopted.*

32. **Mr. Ceinos-Cox** (United States of America) said that his delegation had opposed the recommendation that the consultative status of A Woman's Voice International should be suspended. The United States continued to oppose that recommendation and dissociated itself from the consensus on the draft decision. A Woman's Voice International was a human rights organization that assisted poor and illiterate women who were the victims of violence and discrimination. In particular, it had highlighted the Chinese Government's human rights abuses before the United Nations Commission on Human Rights, citing concrete examples such as the exploitation of and trafficking in female North Korean refugees in China. It had also spoken about government persecution of Chinese Christians and the leaders of unregistered Christian churches. The United States applauded the organization's work in support of freedom of religion, and condemned China's suppression of its citizens' fundamental right of freedom of religion as enshrined in the Universal Declaration of Human Rights. The United States did not believe it was a coincidence that an organization that brought attention to China's poor human rights record now faced suspension as a result of a complaint lodged by China at the Commission on Human Rights.

33. **Mr. Xie** Bohua (China) said that draft decision II had been adopted by an overwhelming majority of the members of the Committee on Non-Governmental Organizations, because the non-governmental organization in question had seriously violated the

rules of the Commission on Human Rights. In particular, during a session of the Commission, it had introduced an illegal weapon into the meeting room. That behaviour had been condemned by the secretariat of the Commission. The Committee had studied the material forwarded by the Commission and had decided by a large majority to suspend the organization's rights for one year in consequence. He adamantly rejected the view put forward by the United States concerning China's so-called poor human rights record. The Committee's action on draft decision II was unrelated to any study of human rights issues.

34. *Draft decision III, entitled "Withdrawal of consultative status", was adopted.*

35. *Draft decision IV, entitled "Issuance of documentation for the Committee on Non-Governmental Organizations", was adopted.*

36. *Draft decision V, entitled "Dates of the 2006 session of the Committee on Non-Governmental Organizations and provisional agenda", was adopted.*

37. **The President** drew attention to document E/2005/32 (Part I), which contained draft decision IV, entitled "Report of the Committee on Non-Governmental Organizations on its 2005 regular session".

38. *The draft decision was adopted.*

Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan *(continued)*

Introduction of draft resolution E/2005/L.24

39. **Mr. Koubaa** (Tunisia), speaking on behalf of the sponsors listed, which had been joined by Cuba, Indonesia and Iraq, introduced draft resolution E/2005/L.24, on the economic and social repercussions of the Israeli occupation. The draft was largely similar to the one adopted the previous year, although a new eleventh preambular paragraph had been added, recalling international human rights instruments such as the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, and affirming that those instruments must be respected in the occupied Palestinian territory, including East Jerusalem. Another new preambular paragraph affirmed that those instruments must also be respected in the occupied Syrian Golan.

40. The draft resolution also recalled the advisory opinion of the International Court of Justice on the legal consequences of the construction of the wall in the occupied Palestinian territory, as had the previous year's text, but the current text further stressed the need for full respect of the legal obligations mentioned in the advisory opinion. Moreover, paragraph 7 had been added, stressing that the wall was unlawful and was seriously debilitating to the economic and social development of the Palestinian people, and calling once again for full respect of the legal obligations mentioned in the advisory opinion. The draft also reaffirmed the principle of the permanent sovereignty of peoples under foreign occupation over their national resources, and urged Member States to encourage private investment in the occupied Palestinian territory, including East Jerusalem, in order to alleviate the hardship of the Palestinian people.

The meeting rose at 4.40 p.m.